separate actions against the plaintiff in a justice's court. The court costs alone would have exceeded the total amount claimed; and under procedural rules in that state the actions could not have been consolidated in a justice's court. The plaintiff corporation in a bill in equity asked for an injunction against the separate prosecution of these actions, and for their trial as one in this suit. It alleged the facts set forth above, a conspiracy between the defendant and the justice to defraud the plaintiff, and that the plaintiff had a meritorious defense to the several actions in the alleged unconstitutionality of the statute giving rise to the claims. The lower court sustained a demurrer. On appeal, *held*, that the demurrer should have been overruled. *Atchison, T. & S. F. Ry. Co.* v. *Smith*, 183 Pac. 824 (Cal. App.).

It is well settled that equity has jurisdiction to prevent a multiplicity of suits. See 1 POMEROY, EQ. JURIS., 4 ed., § 267. The only uncertainty is as to the extent of such jurisdiction. Where equitable relief is asked, equity in order to prevent numerous actions between the same parties and about the same subject matter, will generally act. *Goodson* v. *Richardson*, L. R. 9 Ch. 221; *Coatsworth* v. *Lehigh Valley R. Co.*, 156 N. Y. 451, 51 N. E. 301; *Bank of Kentucky* v. *Stone*, 88 Fed. 383. But where the actions are between the same party on the one hand, and many parties on the other hand, there is a division of authority. Some courts have refused to order the actions to be tried in one equity suit unless there is a privity or community of interest between the many parties other than that all their cases involve similar questions of law and fact. *Tribette* v. *Ill. Cent. R. Co.*, 70 Miss. 182, 12 So. 32; *Cumberland Tel. & Tel. Co.* v. *Williamson*, 101 Miss. 1, 57 So. 559; *Ill. Steel Co.* v. *Schroeder*, 133 Wis. 561, 113 N. W. 51. But the weight of authority undoubtedly is that the community of interest need extend only to a similarity of law and fact. *Mayor of York* v. *Pilkington*, 1 Atkyns, 282; *Ill. Cent. R. Co.* v. *Baker*, 155 Ky. 512, 159 S. W. 1169. See 1 POMEROY, EQ. JURIS., 4 ed., § 269. On principle, equity should interfere only if the legal procedure is substantially inadequate to permit a proper defense and if, upon a balance of all interests concerned, justice will be promoted. See *Hale* v. *Allinson*, 188 U. S. 56, 77. See also R. V. Fletcher, "Jurisdiction of Equity Relating to a Multiplicity of Suits," 24 YALE L. JOUR. 642–648; 21 HARV. L. REV. 208. The principal case is clearly right, since the actions are between two parties only, the law and facts in all the several actions are similar, damages are liquidated, and the legal procedure is grossly inadequate.

FEDERAL COURTS — JURISDICTION BASED ON AMOUNT IN CONTROVERSY — REASONABLENESS AND GOOD FAITH OF CLAIM. — An action for the death of a girl three and a half years old was brought by her father in a federal court. A verdict of $900 was set aside as excessive. At the second trial the judge at the close of the plaintiff's evidence entered a compulsory nonsuit on the ground that the controversy did not substantially involve the sum of $3000. *Held*, that the motion to take off the nonsuit be dismissed. *Novitsky et al.* v. *Rozner*, 259 Fed. 913 (Dist. Ct., W. D., Pa.).

The federal district courts have original jurisdiction of suits between citizens of different states where the matter in controversy exceeds the sum of $3000. Such courts are required to dismiss a suit whenever, at any stage of the proceedings, it appears substantially not to involve a dispute within the jurisdiction of the court. See 36 STAT. AT L., 1091, 1098; U. S. JUD. CODE, 24, 37. The purpose of the statute is to prevent the clogging of important tribunals with small causes. See *Davis* v. *Mills*, 99 Fed. 39, 40. It has been broadly stated that the amount claimed by the plaintiff in good faith determines the jurisdiction. *Schunk* v. *Moline, etc. Co.*, 147 U. S. 500. See *Leroy* v. *Hartwick*, 229 Fed. 857, 858. And, of course, the mere fact that a verdict for less than $3000 has been rendered will not affect the jurisdiction. *Armstrong et al.* v. *Walters*, 223 Fed.

451. But if the plaintiff's complaint discloses to a legal certainty that he cannot recover the necessary amount the cause must be dismissed. *Royal Insurance Co.* v. *Stoddard*, 201 Fed. 915. The courts have thus, with respect to the pleadings, required that a plaintiff's belief that the jurisdictional amount is in controversy be not only *bona fide* but reasonable. But the rule has not been uniformly applied where the plaintiff's evidence discloses that he cannot recover $3000. As the objective standard will best accomplish the purpose of the statute it should be applied in this case too. It has in fact been applied. *Horsted* v. *Merkley et al.*, 59 Fed. 502. See *Maxwell* v. *A. T. & S. F. R. Co.*, 34 Fed. 286. *Contra*, *Lewis* v. *Klepner*, 176 Fed. 343. The principal case wisely adopts the rule that the good faith must be reasonable. But the court must be careful to distinguish between its own opinion and the possible opinion of a reasonable man. *Evans et al.* v. *Lehigh, etc. Co.*, 205 Fed. 637.

INTOXICATING LIQUORS — *CERTIORARI* — LICENSE TO SELL LIQUOR GRANTED DURING NATIONAL PROHIBITION SET ASIDE AT SUIT OF PRIVATE CITIZEN. — On June 30, 1919, the Board of Commissioners of Jersey City issued a license for the sale of spirituous liquors from its date to July 1, 1920, "subject to the provisions of the laws regulating the sale of intoxicating liquors and the granting of licenses therefor." A private citizen of Jersey City prosecuted a writ of *certiorari* against the commissioners to set aside the license as violative of the federal Wartime Prohibition Act and the prohibition amendment to the Federal Constitution. (40 STAT. AT L. 1045; U. S. CONST. AM. Art. XVIII.) *Held*, that it be set aside. *Wilson* v. *Commissioners of Jersey City*, 107 Atl. 797 (N. J.).

It is a general rule that a court will not review the proceedings of another tribunal by a writ of *certiorari* unless the prosecutor can show that he will suffer a special injury beyond that sustained in common with the public. *Davis* v. *Hampshire County*, 153 Mass. 218, 26 N. E. 848; *District Board of Education* v. *Gilleland*, 191 Mich. 276, 157 N. W. 609. This rule is recognized in New Jersey. *Tallon* v. *Hoboken*, 60 N. J. L. 212, 37 Atl. 895. See *Ford* v. *Bayonne*, 87 N. J. L. 298, 299, 93 Atl. 591, 592. But its decisions as to what constitutes such special interest are conflicting. See *Specht* v. *Central Pass. Ry. Co.*, 68 Atl. (N. J.) 785, 788. But some jurisdictions, while conceding the general rule above, allow any private citizen regardless of special interest to sue out the writ to enforce a duty owing to the public. *Collins* v. *Davis*, 57 Iowa, 256, 10 N. W. 643; *State* v. *Ravalli County*, 21 Mont. 469, 54 Pac. 939. This doctrine was applied in the case upon which the court in the principal case relied. *Ferry* v. *Williams*, 41 N. J. L. 332. In regard to the substantive point of the principal case, the decision also seems correct. State statutes are suspended when Congress, in the exercise of powers granted to it, legislates upon the same subject matter, provided Congress intended its legislation to cover the whole field of that subject matter. *Gulf, etc. Ry. Co.* v. *Hefley*, 158 U. S. 98; *Southern Ry. Co.* v. *Reid*, 222 U. S. 424. See Samuel Williston, "The Effect of a National Bankruptcy Law upon State Laws," 22 HARV. L. REV. 547. See also 29 HARV. L. REV. 439. Thus it would seem that the right of the commissioners in the principal case to grant licenses for the sale of spirituous liquors was suspended while the Wartime Prohibition Act was in force.

MANDAMUS — PERSONS AND ACTS SUBJECT TO *MANDAMUS* — CONTROL OF EXECUTIVE OFFICERS BY THE WRIT. — A statute provided "that any person or association of persons qualified to make entry under the coal land laws of the United States who shall have opened or improved a coal mine or coal mines . . . may locate the land upon which such mine or mines are situated" (33 STAT. AT L. 525). The petitioner claimed to have fulfilled the requirements of the statute and therefore to be entitled to a patent. Upon refusal of the Secretary of the Interior to issue one, he brings *mandamus* proceedings to compel such action.